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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003512

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SUBJECT: AL-ATTIYA AND SCIRI REPRESENTATIVE DESCRIBE UIC
DETERMINATION ON REGIONS LAW

REF: BAGHDAD 3405

Classified By: Political Counselor Margaret Scobey for reasons 1.4 (b) and (d).

11. (C) SUMMARY: CoR Deputy Speaker Khalid Al-Attiya and SCIRI MP Ridha Jawad Taqi told PolCouns in separate meetings on September 18 that UIC (with the exception of the Sadrists) was determined to have the first reading of the region formation law on September 19. (Note: It did not take place; see septel. End note.) They described UIC as flexible as to the exact provisions of law but emphasized the need to respect the constitution and proceed with getting a law on the books. Both Al-Attiya and Taqi acknowledged that it was important the process not be overly divisive and noted that UIC was willing to have the constitutional review committee formed this week, so that the review process and the regions legislation worked through CoR concurrently. Separately, MP Hassan Al-Shammari, a Fadhila leader, told PolFSN that Fadhila did not support a first reading of the region formation law on September 19, further calling into question the extent of UIC cohesion on the federalism issue. End summary.

Guaranteeing the Transfer to Federalism

12. (C) Al-Attiya and Taqi both emphasized that UIC's priority was to get a law on regions on the books in the time frame specified by Article 118 of the constitution (i.e., by October 22). Al Attiya said that he personally, and the UIC in general, were open as to the exact content of the law, for example with respect to size of regions and timing of implementation. "Federalism can happen when the situation is ready," he said, "when local administrative capabilities are developed and the people are behind it." The underlying motivation for UIC's support for federalism, Al-Attiya repeated throughout the conversation, was to guarantee that there will be "no more dictatorship, no more military coups." Taqi said that SCIRI was flexible on the exact provisions of the law, describing the passing of a regions law as "a passport to federalism, but one that we don't need to use for three, four, or five years." When asked whether most recent revision of the draft law had been changed from the UIC's original draft (reftel) to reflect this flexibility, however, both Al-Attiya and Taqi confirmed that there had been no substantial changes.

Why the Rush?

13. (C) Noting that federalism was a potentially divisive issue from the Sunni point of view, PolCouns urged both

Al-Attiya and Taqi that it was important to move forward in a way that supported Iraq's unity and asked why it was essential that the first reading take place on September 19, more than one month before the constitutional deadline. Acknowledging the need to support Iraq's unity, Al-Attiya said that the UIC was determined to have a first reading on September 19 but that, in his personal opinion, the rest of the legislative process could be delayed as long as the constitution was respected. Taqi argued that "the Sunnis would like us to delay now, to delay again, and then to delay again," but he seemed open to exploring the possibility of delaying the first reading until Vice President Tarek Al-Hashemi and President Jalal Talabani returned to Iraq, in the interests of avoiding a divisive showdown with Tawafuq.

The Carrot of Constitutional Review

¶4. (C) Al-Attiya volunteered, and Taqi confirmed, that the UIC was willing have the constitutional review process go forward concurrently with movement on the regions law. "We are ready to name a constitutional review committee this week," Al-Attiya continued. He cautioned that federalism itself as enshrined in Article 1 was not up for review, basing his interpretation on Article 126 of the constitution, which mandates a grace period of two electoral terms before certain sections of the constitution can be amended. (Note: Article 142, which provides for the review, explicitly suspends Article 126 during the review process. PolCouns pointed out this provision to Al-Attiya but decided not to pursue the matter further. End note.) Al-Attiya also cautioned that it would be very hard to make a deal with Sunnis on the issue of federalism. "The Baathists and

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extremists are the most powerful voices among Sunni politicians now," he said; "They are trying to equate federalism with dividing Iraq. They cannot accept the new system."

How United is the UIC?

¶5. (C) In describing UIC's position, both Al-Attiya and Taqi made reference to a September 17 meeting of UIC leaders. Taqi said that during the meeting "five of the seven" UIC constituents supported the plan to move forward with the legislative process on the regions law, the exceptions being Fadhila and the Sadrists. He said that Fadhila had been "holding out" and subsequently came around to the majority viewpoint, and Al-Attiya also claimed that Fadhila would support the majority UIC viewpoint in the CoR on September 19. However Hassan Al-Shammari, a Fadhila leader, later told PolFSN that Fadhila did not support reading the current version of the law on September 19; would not attend a meeting of CoR bloc leaders on the afternoon of September 18 to discuss proceeding with the law; and indeed had submitted an alternative version to the Speaker.

Secondhand Reports on Al-Hakim and Sistani

¶6. (C) Taqi declared that Abd al-Aziz Al-Hakim's position on federalism had recently moderated, in that he was no longer insisting on a nine-province region and that he agreed that regions should not be formed until the environment was right. Vice President Adil Abd al-Mehdi had a long conversation with Al-Hakim after his return from the U.S., Taqi claimed, which lead Al-Hakim to moderate his views. In response to a question from PolCouns about his recent trip to Najaf, Al-Attiya said that Ayatollah Sistani had expressed his "support for the principle of federalism" but also had stated that "this was not the right time."

Comment

17. (C) The first reading of the regions formation law did not occur during the September 19 CoR session (septel). Given the objections of Tawafuq (septel), the Sadrists, and potentially Fadhila, it is possible that the UIC majority, even if supported by the Kurds, would not be able to muster a quorum for a CoR session with the region formation law on the agenda. Some UIC leaders seem determined to begin the legislative process, but open to compromise on the nature of the region formation law. However, the SCIRI draft has not been changed: there is no limit placed on the number of governorates in a region, nor does the draft contain any new language on delaying implementation or to incorporate Sunni concerns. End comment.
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